

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 7-2005)

ATTORNEY'S DOCKET NUMBER

8052-95218

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Not Yet Known

**10/560222**

INTERNATIONAL APPLICATION NO.  
**PCT/AT2004/000122**

INTERNATIONAL FILING DATE  
**7 April 2004**

PRIORITY DATE CLAIMED  
**13 June 2003**

TITLE OF INVENTION

**ANTI-CLIMBING DEVICE FOR RAILWAY CARRIAGES**

APPLICANT(S) FOR DO/EO/US

**MAYER, Wilhelm**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☒ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV 731140174 US**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) No. <b>10/560222</b>	INTERNATIONAL APPLICATION NO. <b>PCT/AT2004/000122</b>	ATTORNEY'S DOCKET NUMBER <b>8052-95218</b>																																																												
23. Other items or information:																																																														
The following fees have been submitted: 24. <input checked="" type="checkbox"/> Basic national fee ..... \$300 25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ... \$0 All other situations. .... \$200 26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... \$400 All other situations. .... \$500 <b>TOTAL OF 24, 25 and 26 =</b>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">CALCULATIONS</th> <th style="text-align: left;">PTO USE</th> </tr> </thead> <tbody> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 400.00</td> <td></td> </tr> <tr> <td>\$ 900.00</td> <td></td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)).            The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> </tr> <tr> <td colspan="2"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole)</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>- 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250.00</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="2">           Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).         </td> </tr> <tr> <td colspan="2"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>10 - 20 =</td> <td>0</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$200.00</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="2">           MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00         </td> </tr> <tr> <td colspan="2"> <b>TOTAL OF ABOVE CALCULATIONS =</b> </td> </tr> <tr> <td colspan="2"> <input type="checkbox"/> Applicant claims small entity status. 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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 23-0920 in the amount of \$ \$900.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 23-0920. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Thomas R. Vigil, Esq.  
WELSH & KATZ, LTD.  
120 South Riverside Plaza, Floor 22  
Chicago, IL 60606-3912

*Thomas R. Vigil*

SIGNATURE

Thomas R. Vigil

NAME

24,542

REGISTRATION NUMBER

December 12, 2005

DATE

Applicant: Wilhelm Mayer  
Entitled: ANTI-CLIMBING DEVICE FOR RAILWAY CARRIAGES  
Attorney Docket No. 8052-95815

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
**(37 CFR 2.198)**

**Express Mail No. EV 731140174 US**

I hereby certify that the following papers (identified below) are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 2.198 in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 12<sup>th</sup> day of December, 2005.

Carl Stanley  
CARL STANLEY

Carl Stanley  
(Signature of Person Mailing Correspondence)

Enclosed:

- ☒ Certificate of Mailing (1 page);
- ☒ Data Sheet (1 page);
- ☒ Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371 Form PTO-1390 (3 pages, in duplicate);
- ☒ Preliminary Amendment (4 pages);
- ☒ Copy of Application;
- ☒ Unexecuted Declaration and Power of Attorney (2 pages);
- ☒ Copy of WO 2004/110842 A1;
- ☒ Copy of the International Search Report PCT/AT2004/000122;
- ☒ Form PTO 1449; 3 Foreign Patents (1 page);
- ☒ One check in the amount of \$900.00;
- ☒ Addressed Postage Paid Receipt Postcard.

Applicants: Wilhelm Mayer

Title: Anti-Climbing Device for Railway ...

TRV:cmd

Atty. Doc. No.: 8052-95815

Date: 12-12-05

**JAP10 Rec'd PCT/PTO 12 DEC 2005**

Enclosed: Certificate of Mailing (1 page); Data Sheet (1 page); Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371 Form PTO-1390 (3 pages, in duplicate); Preliminary Amendment (4 pages); Copy of Application, Unexecuted Declaration and Power of Attorney (2 pages); Copy of WO 2004/110842 A1; Copy of the International Search Report PCT/AT2004/000122; Form PTO 1449; 3 Foreign Patents (1 page); Addressed Postage Paid Receipt Postcard.

COMMISSIONER FOR PATENTS Express Mail No. EV 731140174 US

Please acknowledge receipt of the above-identified documents by applying the Patent & Trademark Office seal hereto and mailing this card.

Respectfully,  
WELSH & KATZ, LTD.

**10/560222**